

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TED A. MCCRACKEN	:	CIVIL ACTION
	:	
v.	:	NO. 17-4495
	:	
R.J. REYNOLDS TOBACCO	:	
COMPANY, <i>et al.</i>	:	

ORDER

AND NOW, this 2nd day of February 2018, upon considering Defendants' Motions to dismiss (ECF Doc. Nos. 18, 20, 27), the *pro se* Plaintiff's Opposition and Cross-motion for leave to file a second amended complaint (ECF Doc. No. 28) and for reasons in the accompanying Memorandum including the Plaintiff's present failure to plead our subject matter jurisdiction, it is **ORDERED**:

1. Defendants' Motions to dismiss for lack of subject matter jurisdiction (ECF Doc. Nos. 18, 20, 27) are **GRANTED without prejudice** for the *pro se* Plaintiff to file a second amended complaint no later than **February 16, 2018** or his claims will be dismissed with prejudice; and,

2. Under this Order, Plaintiff's cross-motion for leave to file a second amended complaint (ECF Doc. No. 28) is **DENIED as moot**.



KEARNEY, J